

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

Final

Hearing Minutes

February 24, 2010

The Sewage Handling and Disposal Appeal Review Board (the "Board") met on February 24, 2010, in the Main Floor Conference Room, James Madison Building, Richmond, Virginia. Board members present were Steven Thomas (Chairman), Gerald Johnson, Amy Pemberton, Ronnie Thomas. Assistant Attorney General Ishneila G. Moore, Counsel to the Board, and Donna Tiller, Secretary to the Board were also present.

Three appeals were on the docket for the Board's consideration. Doug and Cheri Turner, Fauquier County; Stan and Darlene Stinnett, Chesapeake; and Leonidas Tzentis, Gloucester County.

The hearing was called to order at 9:15 am. Mr. Price and Ms. Turner both presented their opening statements.

Witnesses present were: Charles Shepherd, Fauquier County Health Department.

After hearing the presentations and evidence in the appeal, Amy Pemberton moved that the Board go into closed session pursuant to Section 2.2-3711.A.7 of the *Code of Virginia* for consultation with legal counsel pertaining to actual or probable litigations, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel. Gerald Johnson seconded the motion. The motion carried unanimously.

Upon reconvening the hearings, Ronnie Thomas moved that the Board end its closed session and certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from opening meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board. Gerald Johnson seconded the motion. The motion carried unanimously.

Gerald Johnson read the Board's motion to uphold the Commissioner's decision to award one half of the cost of repairs to the Turners in the amount of \$1,994.00; and, overturn the Commissioner and withdraw the offer for attorney fees and award the Turners one half of the amount, \$550.00 Amy Pemberton seconded the motion and the motion carried unanimously, no opposed. The hearing adjourned at 11:30 am

The hearing was called to order at 11:40 am.

Steve Thomas asked if Doug or Darlene Stinnett were present, no response. Then Steve asked if anyone was present on behalf of the Stinnett's and no response.

Case was dismissed

The hearing was called to order at 11:45 pm.

Steve Thomas asked if Leonidas Tzentis was present, no response. Then Steve asked if anyone was present on behalf of the Ms. Tzentis, and, no response.

Case was dismissed.

Donna Tiller, Secretary to the Board

c: Robert W. Hicks
Allen Knapp